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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/647,140	09/27/2000	Gary Kruh	FCCC 98-02	5331

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EXAMINER

CHEN, SHIN LIN

ART UNIT	PAPER NUMBER
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1632

DATE MAILED: 12/12/2002

114

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/647,140

Applicant(s)

Kruh et al.

Examiner

Shin-Lin Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claims 1-59 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-7, 45-51 and 56-58, drawn to an isolated nucleic acid molecule having the sequence of SEQ ID No. 1 (MOAT-B), a vector comprising said nucleic acid molecule, a host cell containing said nucleic acid molecule, and a method for screening a test compound for inhibition of MOAT mediated transport by using a host cell comprising SEQ ID No. 1.

Group II, claim(s) 8-10, drawn to an antibody specific to MOAT-B.

Group III, claim(s) 11-17, 45-51 and 56-58, drawn to an isolated nucleic acid molecule having the sequence of SEQ ID No. 3 (MOAT-C), a vector comprising said nucleic acid molecule, a host cell containing said nucleic acid molecule, and a method for screening a test compound for inhibition of MOAT mediated transport by using a host cell comprising SEQ ID No. 3.

Group IV, claim(s) 18-20, drawn to an antibody specific to MOAT-C.

Group V, claim(s) 21 and 59, drawn to an oligonucleotide between 10 and 200 nucleotides, which specifically hybridize with a protein translation initiation site in a nucleotide

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sequence encoding SEQ ID No. 4, and a kit containing oligonucleotide primer sequence for amplification.

Group VI, claim(s) 22 and 59, drawn to an oligonucleotide between 10 and 200 nucleotides, which specifically hybridize with a protein translation initiation site in a nucleotide sequence encoding SEQ ID No. 2, and a kit containing oligonucleotide primer sequence for amplification.

Group VII, claim(s) 23-29, 45-51 and 56-58, drawn to an isolated nucleic acid molecule having the sequence of SEQ ID No. 5 (MOAT-D), a vector comprising said nucleic acid molecule, a host cell containing said nucleic acid molecule, and a method for screening a test compound for inhibition of MOAT mediated transport by using a host cell comprising SEQ ID No. 5.

Group VIII, claim(s) 30-32, drawn to an antibody specific to MOAT-D.

Group IX, claim(s) 33 and 59, drawn to an oligonucleotide between 10 and 200 nucleotides, which specifically hybridize with a protein translation initiation site in a nucleotide sequence encoding SEQ ID No. 6, and a kit containing oligonucleotide primer sequence for amplification.

Group X, claim(s) 34-40, 45-51 and 56-58, drawn to an isolated nucleic acid molecule having the sequence of SEQ ID No. 7 (MOAT-E), a vector comprising said nucleic acid molecule, a host cell containing said nucleic acid molecule, and a method for screening a test

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compound for inhibition of MOAT mediated transport by using a host cell comprising SEQ ID No. 7.

Group XI, claim(s) 41-43, drawn to an antibody specific to MOAT-E.

Group XII, claim(s) 44 and 59, drawn to an oligonucleotide between 10 and 200 nucleotides, which specifically hybridize with a protein translation initiation site in a nucleotide sequence encoding SEQ ID No. 8, and a kit containing oligonucleotide primer sequence for amplification.

Group XIII, claim(s) 52-55, drawn to a transgenic animal comprising the nucleotide sequence of SEQ ID No. 1 (MOAT-B) or harboring homozygous null mutation of SEQ ID No. 1.

Group XIV, claim(s) 52-55, drawn to a transgenic animal comprising the nucleotide sequence of SEQ ID No. 3 (MOAT-C) or harboring homozygous null mutation of SEQ ID No. 3.

Group XV, claim(s) 52-55, drawn to a transgenic animal comprising the nucleotide sequence of SEQ ID No. 5 (MOAT-D) or harboring homozygous null mutation of SEQ ID No. 5.

Group XVI, claim(s) 52-55, drawn to a transgenic animal comprising the nucleotide sequence of SEQ ID No. 7 (MOAT-E) or harboring homozygous null mutation of SEQ ID No. 7.

2. The inventions listed as Groups I-XVI do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Groups I, III, VII and X are drawn to different products having different chemical structures, physical properties and biological functions. They

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represent different genes encoding different proteins having different biological functions. Thus, groups I, III, VII and X do not relate to a single general inventive concept under PCT Rule 13.1. Similarly, groups II, IV, VIII and XI are drawn to antibodies that are specific to different proteins, and they do not relate to a single general inventive concept under PCT Rule 13.1. Groups V, VI, IX and XII are drawn to oligonucleotides that specifically hybridize to nucleotide sequences encoding different proteins, and they do not relate to a single general inventive concept under PCT Rule 13.1. Groups XIII-XVI are drawn to transgenic animals having nucleotide sequences encoding different proteins or having null mutation of said nucleotide sequence, and they do not relate to a single general inventive concept under PCT Rule 13.1.

Groups I, III, VII, X, groups II, IV, VIII, XI, groups V, VI, IX, XII, and groups XIII-XVI are drawn to different products: nucleic acids, antibodies, oligonucleotides and transgenic animals. They are different products having different chemical structure and biological functions and different uses. Thus, they do not relate to a single general inventive concept under PCT Rule 13.1.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently

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named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shin-Lin Chen whose telephone number is (703) 305-1678. The examiner can normally be reached on Monday to Friday from 9 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Reynolds can be reached on (703) 305-4051. The fax phone number for this group is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist, whose telephone number is (703) 308-0196.

Shin-Lin Chen, Ph.D.



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